

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGER COLLINS and JOHN LAWRENCE

Application No. 09/902,060

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On September 3, 2004, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that there is insufficient evidence that an appeals conference was conducted by the examiner. The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 2, 2004) states:

On the examiner's answer, below the primary examiner's signature, the word "Conferee should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

...

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. . . If the examiner's answer does not contain the appropriate indication that an appeal conference has been held (i.e., including the names of the conferees and identifying themselves as the conferees along with their initials), the Board should return the application directly to the appropriate Technology Center (TC) Director for corrective action. (emphasis added).

This examiner's answer does not contain any indication that an appeal conference was conducted.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- (a) for the examiner to submit a proper examiner's answer complying with the conferee requirements noted above,
- (b) for the Examiner to mail a copy of the corrected answer to appellants, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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